

Entered - 01/31/03 - sb  
CL03L0070 - DIANNE C. MITCHELL

CLAIM OF: **GLEN H. AND LINDA ZAMORA EPSTEIN**  
515 N. Satinwood Place  
Roswell, Georgia 30076

03-*R*-0332

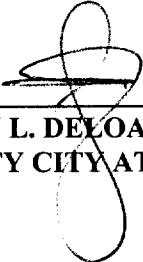
ADOPTED BY  
MAR 17 2003  
COUNCIL

For damages alleged to have been sustained as a result of vehicular damage due to driving over an unraised manhole on November 25, 2002 at 1230 East Rock Springs Road.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **GLEN H. AND LINDA ZAMORA EPSTEIN** the sum of **\$533.25** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of vehicular damage due to driving over an unraised manhole on November 25, 2002 at 1230 East Rock Springs Road as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**, Settlement of Suits and Claims, Department of Law.

APPROVED: **LINDA K. DISANTIS**  
CITY ATTORNEY

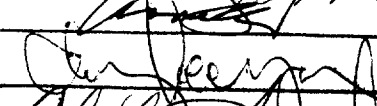

BY:   
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

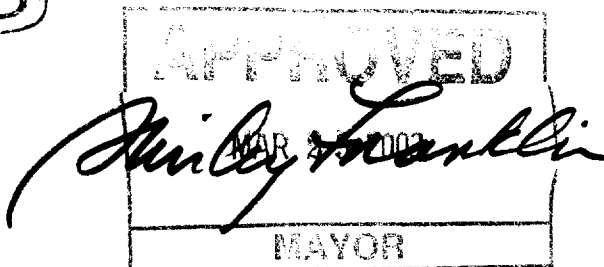
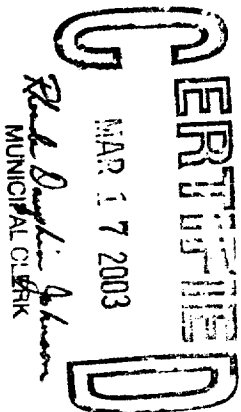
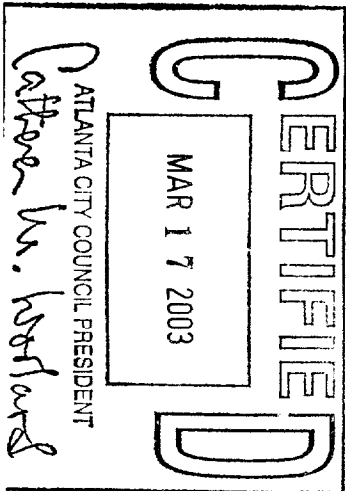
**FAVORABLE REPORT**

COMM: *Public Safety*

DATE: *3/13/03*

CHAIR: 





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

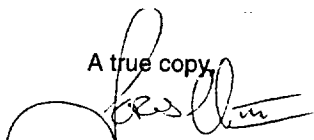
**03-R-0332**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Glen H. & Linda Zamora Epstein** in the sum of **\$533.25** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **as a result of a vehicular damage due to driving over an unraised manhole on November 25, 2002 at 1230 East Rock Springs Road** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

  
Deputy Clerk

**ADOPTED by the City Council  
APPROVED by the Mayor**

March 17, 2003  
March 25, 2003

RCS# 4538  
3/17/03  
2:53 PM

Atlanta City Council

Regular Session

CONSENT I                      Pgs. 1-11; Except 03-O-0219; 03-O-0323  
                                    03-O-0220; 03-O-0221  
                                    ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

CONSENT I

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**3/17/03 FULL COUNCIL MEETING**

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**Items Adopted on the  
Consent Agenda**

1. 03-O-0408  
2. 03-O-0392  
3. 03-O-0305  
4. 03-O-0380  
5. 03-O-0388  
6. 03-O-0234  
7. 03-O-0228  
8. 03-O-0229  
9. 03-O-0385  
10. 03-O-0386  
11. 03-R-0348  
12. 03-R-0349  
13. 03-R-0351  
14. 03-R-0352  
15. 03-R-0597  
16. 03-R-0353  
17. 03-R-0354  
18. 03-R-0190  
19. 03-R-0346  
20. 03-R-0361  
21. 03-R-0417  
22. 03-R-0356  
23. 03-R-0357  
24. 03-R-0358  
25. 03-R-0370  
26. 03-R-0371  
27. 03-R-0372  
28. 03-R-0373  
29. 03-R-0374  
30. 03-R-0383  
31. 03-R-0387  
32. 03-R-0325  
33. 03-R-0326  
34. 03-R-0327  
35. 03-R-0328

**Items Adversed on the Consent  
Agenda**

36. 03-R-0329  
37. 03-R-0330  
38. 03-R-0331  
39. 03-R-0332  
40. 03-R-0333  
41. 03-R-0334  
42. 03-R-0335  
43. 03-R-0347  
44. 03-R-0415  
45. 03-R-0336  
46. 03-R-0337  
47. 03-R-0338  
48. 03-R-0339  
49. 03-R-0340  
50. 03-R-0341  
51. 03-R-0342  
52. 03-R-0343  
53. 03-R-0344  
54. 03-R-0345

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Consent I Vote: 12Yeas; 0 Nays: (See RCS #4538)

Items Removed from the Consent Agenda: 03-O-0219; 03-O-0323; 03-O-0220; &  
03-O-0221

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0070

Date: February 18, 2003

Claimant /Victim GLEN H. AND LINDA ZAMORA EPSTEIN

BY: (Atty)(Ins. Co.) \_\_\_\_\_

Address: 515 N. Satinwood Place, Roswell, Georgia 30076

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 533.25 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/29/03 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/25/02 Place: 1230 East Rock Springs Road

Department Public Works Bureau: Highways and Streets

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimants damaged their vehicle when it was driven over an unraised manhole. The investigation determined that the City failed to raise the manhole during a re-paving project.

INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X

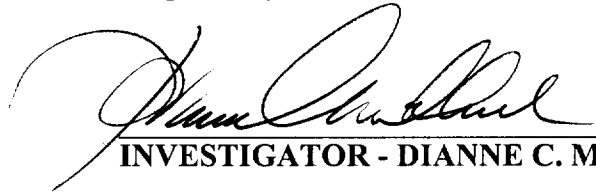
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 533.25 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager:  Concur/date 02-24-03

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_